

The Washington Post

January 29, 2007

In Exchange for Records, Fewer Immigration Raids

Businesses Skeptical of New Federal Program

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Washington Post Staff Writers
Monday, January 29, 2007; A03

Over the past seven months, Bush administration officials have quietly toured the country, trying to persuade businesses that rely heavily on immigrant labor to join a little-known program that would spare them from embarrassing federal raids if they voluntarily handed over their workers' documents so the government can scan them for fraudulent information.

Officials at the Department of Homeland Security have asked companies to join the ICE Mutual Agreement Between Government and Employers program, known as IMAGE, operated by the department's Immigrations and Customs Enforcement division. It calls on businesses to submit all I-9 employee eligibility verification forms to ICE for an audit and to "ensure the accuracy of their wage reporting" by verifying workers' Social Security numbers, according to a description of the program.

An ICE spokesman said IMAGE is another step in the administration's drive to tighten work-site enforcement as more than a million immigrants illegally cross the Mexican border each year in a quest for jobs.

"The upside for those who . . . participate is that they're better equipped to know whether their workforce is legal, and ICE is less likely to be on their doorstep unexpectedly, interfering with their business," said Matthew Allen, acting deputy assistant director for infrastructure and fraud in the agency's investigations division. "It's an investment in making sure that their workforce is secure."

The government's efforts under IMAGE are much broader and deeper than those under another program, Basic Pilot, in which businesses voluntarily enroll. Companies that take part in Basic Pilot can check the Social Security numbers that job applicants provide against a national database of Social Security and immigration records.

In contrast, IMAGE covers all members of a company's workforce and does a more extensive scrub of records to determine if a worker is in the country illegally or is using fraudulent documents.

Allen would not disclose the names of companies recruited into IMAGE, saying only that dozens have taken the steps toward enrollment.

One business, Smithfield Packing Co., which operates the world's largest hog slaughterhouse, in Tar Heel, N.C., has participated since June, with dramatic results. Twenty-one workers at the plant were arrested last week after the government scrutinized forms submitted by the company.

ICE alerted Smithfield by e-mail of discrepancies in employees' records. A company spokesman said 541 workers in the plant's workforce of 5,000 are facing termination because of discrepancies on their job applications. Nearly half of Smithfield's labor pool is Latino.

"This is terrible for everyone, us, the employees, their families," said Dennis Pittman, a company spokesman. "It's heart-wrenching. These are our better people. These are folks who have been with us seven, eight, nine years. They are good people. People have been in tears. Fifty or so people have quit.

Pittman called Smithfield's agreement with ICE "a business decision" resulting from an implied threat. "We knew raids could be a possibility," he said. "We felt going this way, there would be less of an effect."

But Smithfield received an added benefit from cooperating with the government, according to the union that is helping its workers organize. Union officials say the company submitted the names of organizers as a tactic to intimidate some workers and get rid of others. The officials note that the National Labor Relations Board has found that Smithfield worked to undermine union elections by intimidating employees in 1994 and 1997.

"Most of the leaders of a walkout in November are on their list," said Leila McDowell, a spokeswoman for the United Food and Commercial Workers. "Whether ICE is consciously in collusion or not, Smithfield could very easily manipulate the process and can use it as a tool to intimidate and threaten workers, which it has done in the past and been found to have done so illegally."

Smithfield strongly denied the claim.

A number of businesses said they have no intention of joining IMAGE, citing the disruptive action at Smithfield. The arrests in North Carolina were the second unpleasant surprise in two months for firms that say they have tried to work with immigration enforcement agencies to hire legal workers, only to be raided.

In December, ICE rounded up 1,297 illegal immigrants in six states in raids on meatpacking plants run by Swift & Co., of Greeley, Colo. Swift's president and chief executive, Sam Rovit, criticized the arrests, saying the company has "played by the rules and relied in good faith" on the Basic Pilot program since 1997.

A Swift spokesman said the company is not participating in IMAGE, preferring to stick with Basic Pilot. Swift has a chorus of supporters among businesses that say they hire immigrants to do work that American citizens do not want, for pay that they will not take.

"There is no upside in signing up for new obligations," said Stuart Anderson, executive director of the **National Foundation for American Policy** and a former policy chief in the immigration agency. Businesses "end up not only with the current obligations of the law but new requirements," he said.

He compared it to "advising average citizens to drive up to their local police station to get frisked."

In November, ICE pitched IMAGE to the Essential Worker Immigration Coalition, which includes the U.S. Chamber of Commerce, the National Restaurant Association and other trade groups. Co-chair Laura Reiff was not impressed.

"We are loath to participate in a program with self-audits until we get comprehensive reform," Reiff said. "Business understands that it is going to rest on our shoulders to have to verify the employment eligibility of our workforce. We'll take on that obligation, but we can't have it outside of comprehensive reform where we get some assurances."

About 12 million illegal immigrants live in the United States, and unauthorized workers make up 5 percent of the nation's workforce, according to business lobbyists. They mostly fill agriculture, meatpacking, hospitality and construction jobs. Employers say a large reduction of immigrant workers would hurt their businesses and raise the prices of consumer goods.

In last year's immigration debate in Congress, business and advocacy groups sided with bipartisan comprehensive legislation in the Senate that would allow illegal workers to remain in the country if they turn themselves in, pay a stiff fine for crossing the border illegally, learn English and go to the back of the line for a guest-worker program.

Last week, immigration officials pitched IMAGE to the National Council of Agricultural Employers. The presentation included a slide about the vulnerabilities of "allowing illegal aliens to exploit employment opportunities," said Craig Regelbrugge, a spokesman for the American Nursery & Landscape Association and the Agricultural Coalition for Immigration Reform.

After the presentation, Regelbrugge raised his hand. "I can save you a lot of time," he recalled telling ICE officials. The vulnerabilities are "the existence of 1.6 million job opportunities, many of which are seasonal and intermittent," he said. "Virtually no Americans are applying to work in the fields."

He added: "We really can't focus on partnering with you until we have a solution."

Staff writer Spencer S. Hsu contributed to this report.